

Notice of Allowability

Application No.

09/674,546

Examiner

S. Devi, Ph.D.

Applicant(s)

FRASER ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendment filed 09/11/07.
2. ☒ The allowed claim(s) ~~is/are~~ claims 4 and 22-28, now renumbered as claims 1 and 2-8 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

ATTACHMENT TO NOTICE OF ALLOWABILITY

Applicants' Amendment

- 1) Acknowledgment is made of Applicants' amendment filed 09/11/07 in response to the non-final Office Action mailed 06/11/07.

Status of Claims

- 2) Claims 2, 4, 19-21 and 29-32 have been canceled via the amendment filed 09/11/2007.
Claim 28 has been amended via the amendment filed 09/11/2007.
Claims 4 and 22-28 are pending and are under prosecution.

Applicants' Response to Requirement under 37 C.F.R 1.105

- 3) Acknowledgment is made of Applicants' response to the Office's requirement under 37 C.F.R 1.105. Applicants have identified the various co-pending applications that disclose at least a homolog of the TIGR-741 protein.

Objection(s) Withdrawn

- 4) The objection to the specification made in paragraph 8(a) Office Action mailed 06/11/07 is withdrawn in light of Applicants' submission of Figure 1 from a provisional application that was properly incorporated by reference.
- 5) The objection to the specification made in paragraph 8(b) Office Action mailed 06/11/07 is withdrawn in light of Applicants' amendment to the specification.
- 6) The objection to the specification made in paragraph 8(c) Office Action mailed 06/11/07 is withdrawn in light of Applicants' amendment to the specification.
- 7) The objection to the specification made in paragraph 8(d) Office Action mailed 06/11/07 is withdrawn in light of Applicants' amendment to the specification.
- 8) The objection to the specification made in paragraph 8(e) Office Action mailed 06/11/07 is withdrawn in light of Applicants' amendment to the specification.
- 9) The objection to the specification made in paragraph 8(f) Office Action mailed 06/11/07 is withdrawn in light of Applicants' amendment to the specification.

Rejection(s) Withdrawn

10) The provisional rejection of claims 4 and 22-28 made in paragraph 10 Office Action mailed 06/11/07 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-7, 10 and 11 of the co-pending application 11395121, is withdrawn in light of Applicants' arguments and MPEP 804(I)(B)(1).

11) The provisional rejection of claims 4, 22-26 and 28 made in paragraph 11 Office Action mailed 06/11/07 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7, 8, 21 and 29 of the co-pending application 10530753, is withdrawn in light of Applicants' arguments and MPEP 804(I)(B)(1).

12) The provisional rejection of claims 4, 22-26 and 28 made in paragraph 12 Office Action mailed 06/11/07 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11 and 13 of the co-pending application 10536215, is withdrawn in light of Applicants' arguments and MPEP 804(I)(B)(1).

13) The rejection of claim 28 made in paragraph 16 Office Action mailed 06/11/07 under 35 U.S.C § 112, second paragraph, as being indefinite, is withdrawn in light of Applicants' amendment to the claim.

Remarks

14) Claims 4 and 22-28, now renumbered as claims 1 and 2-8 respectively, are allowed.

15) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. The Fax number for submission of amendments, responses and/or papers is (571) 273-8300, which receives transmissions 24 hours a day and 7 days a week.

16) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAA system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

17) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jeffrey Siew, can be reached on (571) 272-0787.

September, 2007


S. DEVI, PH.D.
PRIMARY EXAMINER